

REMARKS

Claims 1-9 and 12-16 were pending.

Claim 2 is cancelled.

Claim 1 is amended.

Claims 1, 3-9 and 12-16 are now pending.

Amended Claim 1

Claim has been amended by including the limitation of claim 2. As claim 2 no longer limits claim 1, it has been cancelled.

No new matter is added.

35 USC 103(a)

Claims 1-9 and 12 are rejected under 35 USC 103(a) as being unpatentable over Fingeli, US 5053055.

In particular the examiner points to the mixtures IV and VI of column 9 and mixture V found in columns 8 and 9.

The examiner admits that the prior art fails to teach a specific example of a mixture having both fluorescent whitening agents (Formulae 1 and 2) as required by the instant claims. However, examiner submits that this would have been obvious to one of ordinary skill in the art.

The applicants would like to point out that U.S. 4,778,623 in Examples 20-22 discloses a 2:1 or 1:2 mixture fluorescent whitening agents according to the instant application (formula 1 and 2). Thus the applicants believe US 4,778,623 to be the closest prior art.

The applicants are submitting a declaration under 1.132 which directly compares a mixture according to the present invention (Example B) to the example 20/22 of US 4,778,623 (Example A). There are clear advantages for the mixture according to the present invention over the closest prior art. In particular, Example B shows superior light fastness and Ganz whiteness.

As the improvements could not have been predicted based on Fringeli or US 4,778,623, the present claims must be considered unobvious.

Reconsideration and withdrawal of the rejection of claims 1, 3-9 and 12-16 is respectfully solicited in light of the remarks, amendments *supra* and declaration.

Since there are no other grounds of objection or rejection, passage of this application to issue with claims 1, 3-9 and 12-16 is earnestly solicited.

Applicants submit that the present application is in condition for allowance. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



Shiela A. Loggins
Agent for Applicants
Reg. No. 56,221

Ciba Specialty Chemicals Corporation
540 White Plains Road
Tarrytown, New York 10591
(914) 785-2768
SAL\22810R1.doc

Enclosures:

1.132 signed declaration